



4-21-04

1636

JSW

4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Confirmation No.	7167
Crafton, et al.	Art Unit:	1636
Appl. No. 09/987,763	Examiner:	Kaushal, Sumesh
Filed: November 15, 2001	Atty. Docket:	030906
For: Nucleotide Sequences for Transcriptional Regulation in <i>Corynebacterium glutamicum</i>		

REPLY TO REQUIREMENT FOR ELECTION AND RESTRICTION

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action mailed March 24, 2004, requesting Restriction to an invention and Election of Species in the above-referenced patent application, Applicants hereby make the following election:

Applicants elect Group IV, claims 1-35, which the Restriction Requirement states are drawn to isolated polynucleotide sequences comprising SEQ ID NO:7, classified in class 536, subclass 23.1. Applicants note that claims 36-38 are pending in the application but are not included in the restriction requirement. Applicants therefore respectfully request that they be allowed to elect and pursue those claims as well as claims 1-35; if the Examiner determines that claims 36-38 may not be pursued at this time, Applicants request that a formal restriction requirement be issued for those claims.

With respect to election of species, applicants elect dihydrodipicolinate reductase as the species for prosecution on the merits, as required under 35 U.S.C. § 121. Claims readable on this species include claims 1-38.

This election is made without prejudice to or disclaimer of the other species disclosed. Applicants reserve the right to file divisional patent applications claiming priority to this application and to the provisional applications from which this application claims priority, for the non-elected species at a later date. Applicants also reserve the rights of rejoinder.

This election is made **without** traverse.

It is believed that an extension of time of two months is required to make this election timely, and a request for such an extension is included and accompanied by the required fee. If additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 02-4553.

Additionally, the Examiner's attention is drawn to the new docket number for this application, which is 030906, instead of 1533.19400002/MAC/MBT. The Examiner's attention is further drawn to the new address for correspondence in this case, which is:

Craig G. Cochenour, Esq.  
Buchanan Ingersoll PC  
One Oxford Centre  
301 Grant Street, 20th Floor  
Pittsburgh, PA 15219-1410

Applicants also enclose PTO Forms PTO/SB/82, PTO/SB81, and PTO/SB/96, regarding revocation and grant of power of attorney.

Respectfully submitted,



Duane A. Stewart III  
Attorney for Applicants  
Registration No. 54,468  
Buchanan Ingersoll PC  
One Oxford Centre  
301 Grant Street, 20th Floor  
Pittsburgh, PA 15219  
P: (412) 562-1622  
F: (412) 562-1041

Date: June 18, 2004